

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEDERAL INSURANCE COMPANY,
AMERICAN INTERNATIONAL SPECIALTY
LINES INSURANCE COMPANY, NATIONAL
UNION FIRE INSURANCE COMPANY, ST.
PAUL FIRE & MARINE INSURANCE
COMPANY,

Plaintiffs,

v.

METROPOLITAN INVESTMENT
SECURITIES, INC. ET AL.,

Defendants.

No. CV-05-0309-FVS

ORDER GRANTING MOTION FOR
DISCHARGE AND PERMANENT
INJUNCTION

THIS MATTER comes before the Court on the Motion For Discharge and Permanent Injunction, Ct. Rec. 480, filed by National Union Insurance Company ("National Union") and American International Specialty Lines Insurance Company ("AISLIC"). National Union and AISLIC are represented by Craig H. Bennion, Thomas M. Jones, and Carey Moorehead.

This consolidated interpleader action concerns a number of insurance policies purchased by Metropolitan Mortgage & Securities Co, Inc., Summit Securities, Inc., and their subsidiaries. The insurance policies at issue include the Directors and Officers Liability policy number 263-38-69 (the "D&O Policy") issued by National Union and the Financial Institution Professional Liability policy number 281-42-69

1 (the "E&O policy") issued by AISLIC. National Union and AISLIC
2 deposited the full remaining limits on the D&O Policy and the E&O
3 policy into the this Court's registry. They participated in and
4 agreed to settlement of the present interpleader action. This Court
5 subsequently approved the settlement, approved the allocation of the
6 interpleaded funds, and ordered disbursal of the interpleaded funds
7 pursuant to the settlement agreement.

8 In view of these circumstances, the Court finds that National
9 Union has discharged its obligations under the D&O Policy. AISLIC has
10 likewise discharged its obligations under the E&O Policy. The Court
11 being fully advised,

12 **IT IS HEREBY ORDERED:**

13 1. The Motion For Discharge and Permanent Injunction, **Ct. Rec.**
14 **480**, is **GRANTED**.

15 2. National Union and AISLIC are discharged from any and all
16 liability to the Defendants in this consolidated interpleader action
17 and all future claimants to the proceeds of the D&O policy and E&O
18 policy.

19 3. All of the Defendants and other potential claimants are
20 permanently restrained from instituting or further prosecuting any
21 other proceedings in any state or federal court affecting the rights
22 and obligations between the parties to either the D&O Policy or the
23 E&O policy without the consent of this Court.

24 4. National Union and AISLIC are fully exonerated from any future
25 claims under or in relation to the D&O Policy or the E&O Policy.
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1 **IT IS SO ORDERED.** The District Court Executive is hereby
2 directed to enter this order and furnish copies to counsel.

3 **DATED** this 20th day of December, 2007.

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5 s/ Fred Van Sickle
6 Fred Van Sickle
7 United States District Judge
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